

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 21652 of 2025**

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KUSHAL ALIAS KHUSHAL CHANDRESHWAR MAHTO

Versus

STATE OF GUJARAT

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Appearance:

MR JIGAR B OZA(11654) for the Applicant(s) No. 1

MS. MAITHILI MEHTA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS**Date : 15/10/2025****ORAL ORDER**

1. Rule returnable forthwith. Learned APP Ms. Maithili Mehta waives service of notice of rule for and on behalf of the respondent – State.

2. The present application has been filed by the applicant-accused under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail in connection with the FIR registered with the Sarkhej Police Station, District Ahmedabad City vide C.R. No.11191048250118 of 2025 for the offence punishable under Section 311, 312, 310(2) of the Bharatiya Nyaya Sanhita, 2023 and under Section 135 of the G.P. Act.

3. Learned advocate Mr. Jigar Oza appearing for the applicant submits that the applicant is in jail since 06.03.2025

and he has been falsely implicated in the alleged offence. Learned advocate has further submitted that considering the nature of the offence and the role attributed to the applicant as well as considering the manner and method in which it had happened, the applicant may be enlarged on regular bail by imposing suitable conditions.

4. Per contra, learned APP Ms. Maithili Mehta appearing on behalf of the respondent - State has vehemently opposed the present application for grant of regular bail looking to the seriousness and gravamen of the offence.

5. Heard learned advocates appearing for the respective parties and perused the papers of the investigation as well as considered the allegations levelled against the applicant and the role attributed to the applicant. I have also considered the following aspects :-

- (i) The applicant is in jail since 06.03.2025.
- (ii) The incident had occurred on 20.02.2025 and the complaint regarding the same was filed on 22.02.2025.
- (ii) The investigation is over and charge-sheet has already been filed.
- (iv) The application preferred by the co-accused,

namely, Ashok @ Sachin Vijaybhai Patni having played similar role to that of the present applicant, has been considered by a Coordinate Bench of this Court and he has been enlarged on regular bail, vide order dated 22.09.2025 passed in Criminal Misc. Application No.19283 of 2025; and the other co-accused, namely, Lilaben Dashrathbhai Salat has been granted bail by the Sessions Court, Ahmedabad vide order dated 07.10.2025 passed in Criminal Misc. Application No.3276 of 2025;

(v) The applicant is a local resident of District Ahmedabad and his presence can be secured by imposing suitable conditions.

6. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation**, reported in [2012]1 SCC 40 as well as in the case of **Satender Kumar Antil v. Central Bureau of Investigation & Anr.** reported in (2022)10 SCC 51.

7. On the facts and in the circumstances of the case as well as considering the nature of the allegations made against the applicant, without discussing the evidence in details, *prima facie*, this Court is of the opinion that this is a fit case to exercise discretion and enlarge the applicant on regular bail.

8. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with the FIR registered with ***Sarkhej Police Station, District Ahmedabad City vide C.R. No.11191048250118 of 2025,*** on executing a personal bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that he shall;

[a] not to take undue advantage of liberty or misuse the liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave the State of Gujarat without the prior permission of the Sessions Judge concerned;

[e] mark his presence before the concerned Police Station once between 1st day and 5th day of every English Calendar month for a period of six months from the date of this order;

[f] furnish the present address of residence to the Investigating Officer and also to the Court at the time of

execution of the bond and shall not change the residence without the prior permission of this Court;

(g) he shall not enter into Ahmedabad District for a period of **one year** from the date of this order, except to mark presence and to attend court proceedings.

9. The authorities will release the applicant only if he is not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter. Bail bond to be executed before the lower Court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions, in accordance with law.

10. At the trial, the trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the applicant on bail.

11. The present application stands **ALLOWED** accordingly. Rule made absolute. Direct service is permitted.

AMAR SINGH

(VIMAL K. VYAS, J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMAR SINGH(HC01081), PRIVATE SECRETARY, at High Court of Gujarat on 15/10/2025 18:45:10